

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ANGELO COTTO,

Plaintiffs,

-against-

THE CITY OF NEW YORK, DETECTIVE DAVID
TERRELL, POLICE OFFICER MATTHEW VELGER,
POLICE OFFICER CHRISTINA BARRIENTOS.
POLICE OFFICER BRAVO ZAYAS and POLICE
OFFICER CHRISTOPHER BRITTON,

Defendants.

**ANSWER TO THE SECOND
AMENDED COMPLAINT**

16 CV 8651 (NRB)

Jury Trial Demanded

ECF Case

----- X
Defendants City of New York, NYPD Detective David Terrell, NYPD Officers Matthew Velger, Christine Mozdiak, *nee* Barrientos, Bravo Zayas, and Christopher Britton, by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, for their Answer to the Second Amended Complaint (hereinafter "SAC"), respectfully allege as follows:

1. Deny the allegations set forth in paragraph "1" of the SAC, except admit that plaintiff purports to bring this action as stated therein.
2. Deny the allegations set forth in paragraph "2" of the SAC, except admit that plaintiff purports to invoke the jurisdiction of this Court as stated therein.
3. Deny the allegations set forth in paragraph "3" of the SAC, except admit that plaintiff purports to base the venue of this action as stated therein.
4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of the SAC.
5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of the SAC except deny that Elizabeth Rosado is "integral to the acts complained of."

6. Deny the allegations set forth in paragraph “6” of the SAC.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “7” of the SAC, except admit that David Terrell was employed by the City of New York during the times referenced in the SAC and that plaintiff purports to sue David Terrell as set forth therein.

8. Deny the allegations set forth in paragraph “8” of the SAC, except admit only that the City of New York is a municipality within the State of New York that David Terrell, Matthew Velger, Christine Mozdiak *nee* Barrientos, Bravo Zayas, and Christopher Britton were employed by NYPD as members of service during the times referenced in the SAC.

9. Deny the allegations set forth in paragraph “9” of the SAC.

10. Deny the allegations set forth in paragraph “10” of the SAC, except deny knowledge or information sufficient to form a belief as to the truth of the allegations concerning the shooting of “Freddy.”

11. Deny the allegations set forth in paragraph “11” of the SAC.

12. Deny the allegations set forth in paragraph “12” of the SAC.

13. Deny the allegations set forth in paragraph “13” of the SAC, and further state that plaintiff was lawfully arrested on January 27, 2014 by NYPD P.O. Pierluig Castaldo, not Det. Terrell as alleged in the SAC, and that P.O. Castaldo did not turn out of the 42nd Precinct as alleged in SAC, and that P.O. Castaldo arrested plaintiff for a gunpoint robbery in which the complaining victim positively identified plaintiff prior to plaintiff’s arrest, and that neither Det. David Terrell nor any other named defendant had anything to do with plaintiff’s January 27, 2014 arrest or prosecution. *See* Exhibit A attached hereto and incorporated by reference (NYPD Arrest Report for plaintiff Angelo Cotto on January 27, 2014, conclusively demonstrating that

the allegations in ¶¶ 13, 100-122, and 215-230 of the SAC are false, violate Rule 11 of the Fed. R. Civ. P. and that plaintiff and his counsel made them after having been served with Defendants' January 9, 2018 Safe Harbor Letter and Notice of Motion.)

14. Deny the allegations set forth in paragraph "14" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*, and further state there are no "John Doe police officers" in this litigation.

15. Deny the allegations set forth in paragraph "15" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*, and further state there are no "John Doe defendants" in this litigation.

16. Deny the allegations set forth in paragraph "16" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*, and further state there are no "John Doe police officer defendants" in this litigation.

17. Deny the allegations set forth in paragraph "17" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*, and further state there are no "John Doe Police Officer defendants" in this litigation.

18. Deny the allegations set forth in paragraph "18" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

19. Deny the allegations set forth in paragraph "19" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

20. Deny the allegations set forth in paragraph "20" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

21. Deny the allegations set forth in paragraph "21" of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

22. Deny the allegations set forth in paragraph “22” of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

23. Deny the allegations set forth in paragraph “23” of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*.

24. Deny the allegations set forth in paragraph “14” of the SAC and incorporate ¶ 13, *supra*, and Exhibit A, *infra*, and further state there are no “John Doe police officers” named in this litigation.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the SAC.

26. Deny the allegations set forth in paragraph “26” of the SAC, and further state that plaintiff was lawfully arrested on March 5, 2014 by NYPD P.O. Bravo Zayas, not Det. Terrell as alleged in the SAC, and that P.O. Zayas arrested plaintiff for an assault in which the complaining victim positively identified plaintiff prior to plaintiff’s arrest, and that P.O. Zayas found marihuana and a box cutter on plaintiff at the time of his March 5, 2014 arrest and neither Det. David Terrell nor any other named defendant herein had anything to do with plaintiff’s March 5, 2014 arrest or prosecution. *See* Exhibit B attached hereto and incorporated by reference (NYPD Arrest Report for plaintiff Angelo Cotto on March 5, 2014, conclusively demonstrating that the allegations in ¶¶ 26, 123-145, and 231-246 of the SAC are false and violate Rule 11 of the Fed. R. Civ. P. and that plaintiff and his counsel made them after having been served with Defendants’ January 9, 2018 Safe Harbor Letter and Notice of Motion.)

27. Deny the allegations set forth in paragraph “27” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

28. Deny the allegations set forth in paragraph “28” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*, and further state there are no “John Doe defendants” in this litigation.

29. Deny the allegations set forth in paragraph “29” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*, and further state there are no “John Doe police officer defendants” in this litigation.

30. Deny the allegations set forth in paragraph “30” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*, and further state there are no “John Doe Police Officer defendants” in this litigation.

31. Deny the allegations set forth in paragraph “31” of the SAC.

32. Deny the allegations set forth in paragraph “32” of the SAC.

33. Deny the allegations set forth in paragraph “33” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*.

34. Deny the allegations set forth in paragraph “27” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*.

35. Deny the allegations set forth in paragraph “35” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*.

36. Deny the allegations set forth in paragraph “36” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*.

37. Deny the allegations set forth in paragraph “37” of the SAC and incorporate ¶ 26, *supra*, and Exhibit B, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “38” of the SAC.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “39” of the SAC.

40. Deny the allegations set forth in paragraph “40” of the SAC, and further state that plaintiff was lawfully arrested on July 3, 2014 by NYPD P.O Christopher Britton, not Det. Terrell as alleged in the SAC, and that P.O. Britton arrested plaintiff for, *inter alia*, possession of a BB gun which plaintiff admitted to having been in possession of at the time of his July 3, 2014 arrest and neither Det. David Terrell nor any other named defendant had anything to do with plaintiff’s July 3, 2014 arrest or prosecution. *See* Exhibit C attached hereto and incorporated by reference (NYPD Arrest Report for plaintiff Angelo Cotto on July 3, 2014, conclusively demonstrating that the allegations in ¶¶ 40, 146-168, and 247-262 of the SAC are false and violate Rule 11 of the Fed. R. Civ. P. and that plaintiff and his counsel made them after having been served with Defendants’ January 9, 2018 Safe Harbor Letter and Notice of Motion.)

41. Deny the allegations set forth in paragraph “41” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

42. Deny the allegations set forth in paragraph “42” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*, and further state there are no “John Doe defendants” in this litigation.

43. Deny the allegations set forth in paragraph “43” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*, and further state there are no “John Doe police officers” defendants in this litigation.

44. Deny the allegations set forth in paragraph “43” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*, and further state there are no “John Doe Police Officer defendants” in this litigation.

45. Deny the allegations set forth in paragraph “45” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

46. Deny the allegations set forth in paragraph “46” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

47. Deny the allegations set forth in paragraph “47” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

48. Deny the allegations set forth in paragraph “48” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

49. Deny the allegations set forth in paragraph “49” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

50. Deny the allegations set forth in paragraph “50” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra*.

51. Deny the allegations set forth in paragraph “51” of the SAC and incorporate ¶ 40, *supra*, and Exhibit C, *infra* and further state there are no “John Doe police officers” named as defendants in this litigation.

52. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “52” of the SAC.

53. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “53” of the SAC.

54. Deny the allegations set forth in paragraph “54” of the SAC.

55. Deny the allegations set forth in paragraph “55” of the SAC.

56. Deny the allegations set forth in paragraph “56” of the SAC and further state that plaintiff was lawfully arrested on October 19, 2015 by NYPD P.O Matthew Velger, not Det. Terrell as alleged in the SAC, and that P.O. Velger arrested plaintiff for an assault in which the complaining victim positively identified plaintiff prior to plaintiff’s arrest, and neither Det. David Terrell nor any other named defendant had anything to do with plaintiff’s October 19, 2015 arrest or prosecution. *See* Exhibit D attached hereto and incorporated by reference (NYPD Arrest Report for plaintiff Angelo Cotto on October 19, 2015, conclusively demonstrating that the allegations in ¶¶ 56, 169-191 and 263-278 of the SAC are false and violate Rule 11 of the Fed. R. Civ. P. and that plaintiff and his counsel made them after having been served with Defendants’ January 9, 2018 Safe Harbor Letter and Notice of Motion.)

57. Deny the allegations set forth in paragraph “57” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

58. Deny the allegations set forth in paragraph “58” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*, and further state there are no “John Doe police defendants” in this litigation.

59. Deny the allegations set forth in paragraph “59” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*, and further state there are no “John Doe police officer defendants” in this litigation.

60. Deny the allegations set forth in paragraph “60” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*, and further state there are no “John Doe Police Officer defendants” in this litigation.

61. Deny the allegations set forth in paragraph “61” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

62. Deny the allegations set forth in paragraph “62” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

63. Deny the allegations set forth in paragraph “63” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

64. Deny the allegations set forth in paragraph “64” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

65. Deny the allegations set forth in paragraph “65” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

66. Deny the allegations set forth in paragraph “66” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra*.

67. Deny the allegations set forth in paragraph “67” of the SAC and incorporate ¶ 56, *supra*, and Exhibit D, *infra* and further state there are no “John Doe police officers” named as defendants in this litigation.

68. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “68” of the SAC.

69. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “69” of the SAC.

70. Deny the allegations set forth in paragraph “70” of the SAC and further state that plaintiff was lawfully arrested on December 10, 2015 by NYPD P.O. Christine Mozdiak, *nee* Barrientos, not Det. Terrell as alleged in the SAC, and that P.O. Christine Mozdiak, *nee* Barrientos did not turn out of turned out of the 42nd Precinct as alleged in SAC and arrested plaintiff for possession of a knife and marihuana, and neither Det. David Terrell nor any other named defendant herein had anything to do with plaintiff’s December 10, 2015 arrest or prosecution. *See* Exhibit E attached hereto and incorporated by reference (NYPD Arrest Report for plaintiff Angelo Cotto on December 10, 2015, conclusively demonstrating that the allegations in ¶¶ 70, 192-214 and 279-297 of the SAC are false and violate Rule 11 of the Fed. R. Civ. P. and that plaintiff and his counsel made them after having been served with Defendants’ January 9, 2018 Safe Harbor Letter and Notice of Motion.)

71. Deny the allegations set forth in paragraph “71” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

72. Deny the allegations set forth in paragraph “72” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*, and further state there are no “John Doe defendants” in this litigation.

73. Deny the allegations set forth in paragraph “73” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*, and further state there are no “John Doe police officer defendants” in this litigation.

74. Deny the allegations set forth in paragraph “74” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*, and further state there are no “John Doe Police Officer defendants” in this litigation.

75. Deny the allegations set forth in paragraph “75” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

76. Deny the allegations set forth in paragraph “76” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

77. Deny the allegations set forth in paragraph “77” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

78. Deny the allegations set forth in paragraph “78” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

79. Deny the allegations set forth in paragraph “79” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

80. Deny the allegations set forth in paragraph “80” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*, and further state there are no “John Doe police officers” named as defendants in this litigation.

81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “81” of the SAC.

82. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “82” of the SAC.

83. Deny the allegations set forth in paragraph “83” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*

84. Deny the allegations set forth in paragraph 84” of the SAC and incorporate ¶ 70, *supra*, and Exhibit E, *infra*.

85. Deny the allegations set forth in paragraph “85” of the SAC.

86. Deny the allegations set forth in paragraph “86” of the SAC.

87. Deny the allegations set forth in paragraph “87” of the SAC.

88. Deny the allegations set forth in paragraph “88” of the SAC.

89. Deny the allegations set forth in paragraph “89” of the SAC.

90. Deny the allegations set forth in paragraph “90” of the SAC.

91. Deny the allegations set forth in paragraph “91” of the SAC.

92. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “92” of the SAC and respectfully refers the Court to the original source for a complete and accurate recitation of the Court’s 2009 *dicta* referenced therein.

93. Deny the allegations set forth in paragraph “93” of the SAC.

94. Deny the allegations set forth in paragraph “94” of the SAC.

95. Deny the allegations set forth in paragraph “95” of the SAC.

96. Deny the allegations set forth in paragraph “96” of the SAC.

97. Deny the allegations set forth in paragraph “97” of the SAC.

98. Deny the allegations set forth in paragraph “98” of the SAC.

99. Deny the allegations set forth in paragraph “99” of the SAC.

100. In response to the allegations set forth in paragraph “100” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

101. Deny the allegations set forth in paragraph “101” of the SAC.

102. Deny the allegations set forth in paragraph “102” of the SAC.

103. Deny the allegations set forth in paragraph “103” of the SAC.

104. Paragraph “104” of the SAC sets forth legal conclusions rather than averments of fact and therefore requires no response. To the extent a response is required, defendants deny the allegations set forth in paragraph “104” of the SAC.

105. In response to the allegations set forth in paragraph “105” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

106. Deny the allegations set forth in paragraph “106” of the SAC.

107. Deny the allegations set forth in paragraph “107” of the SAC.

108. Deny the allegations set forth in paragraph “108” of the SAC.

109. Deny the allegations set forth in paragraph “109” of the SAC.

110. Deny the allegations set forth in paragraph “110” of the SAC.

111. Deny the allegations set forth in paragraph “111” of the SAC.

112. Deny the allegations set forth in paragraph “112” of the SAC.

113. Deny the allegations set forth in paragraph “113” of the SAC.

114. Deny the allegations set forth in paragraph “114” of the SAC.

115. Deny the allegations set forth in paragraph “115” of the SAC.

116. Deny the allegations set forth in paragraph “116” of the SAC.

117. Deny the allegations set forth in paragraph “117” of the SAC.

118. Deny the allegations set forth in paragraph “118” of the SAC.

119. Deny the allegations set forth in paragraph “119” of the SAC.

120. Deny the allegations set forth in paragraph “120” of the SAC.

121. Deny the allegations set forth in paragraph “121” of the SAC.

122. Deny the allegations set forth in paragraph “122” of the SAC.

123. In response to the allegations set forth in paragraph “123” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

124. Deny the allegations set forth in paragraph “124” of the SAC.

125. Deny the allegations set forth in paragraph “125” of the SAC.

126. Deny the allegations set forth in paragraph “126” of the SAC.

127. Paragraph “127” of the SAC sets forth legal conclusions rather than averments of fact and therefore requires no response. To the extent a response is required, defendants deny that the City is liable.

128. In response to the allegations set forth in paragraph “128” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

129. Deny the allegations set forth in paragraph “129” of the SAC.

130. Deny the allegations set forth in paragraph “130” of the SAC.

131. Deny the allegations set forth in paragraph “131” of the SAC.

132. Deny the allegations set forth in paragraph “132” of the SAC.

133. Deny the allegations set forth in paragraph “133” of the SAC.

134. Deny the allegations set forth in paragraph “134” of the SAC.

135. Deny the allegations set forth in paragraph “135” of the SAC.

136. Deny the allegations set forth in paragraph “136” of the SAC.

137. Deny the allegations set forth in paragraph “137” of the SAC.

138. Deny the allegations set forth in paragraph “138” of the SAC.

139. Deny the allegations set forth in paragraph “139” of the SAC.

140. Deny the allegations set forth in paragraph “140” of the SAC.

141. Deny the allegations set forth in paragraph “143” of the SAC.

142. Deny the allegations set forth in paragraph “142” of the SAC.

143. Deny the allegations set forth in paragraph “143” of the SAC.

144. Deny the allegations set forth in paragraph “144” of the SAC.

145. Deny the allegations set forth in paragraph “145” of the SAC.

146. In response to the allegations set forth in paragraph “146” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

147. Deny the allegations set forth in paragraph “147” of the SAC.

148. Deny the allegations set forth in paragraph “148” of the SAC.

149. Deny the allegations set forth in paragraph “149” of the SAC.

150. Paragraph “150” of the SAC sets forth legal conclusions rather than averments of fact and therefore requires no response. To the extent a response is required, defendants deny that the City is liable.

151. In response to the allegations set forth in paragraph “151” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

152. Deny the allegations set forth in paragraph “152” of the SAC.

153. Deny the allegations set forth in paragraph “153” of the SAC.

154. Deny the allegations set forth in paragraph “154” of the SAC.

155. Deny the allegations set forth in paragraph “155” of the SAC.

156. Deny the allegations set forth in paragraph “156” of the SAC.

157. Deny the allegations set forth in paragraph “157” of the SAC.

158. Deny the allegations set forth in paragraph “158” of the SAC.

159. Deny the allegations set forth in paragraph “159” of the SAC.

160. Deny the allegations set forth in paragraph “160” of the SAC.

161. Deny the allegations set forth in paragraph “161” of the SAC.

162. Deny the allegations set forth in paragraph “162” of the SAC.

163. Deny the allegations set forth in paragraph “163” of the SAC.

164. Deny the allegations set forth in paragraph “164” of the SAC.

165. Deny the allegations set forth in paragraph “165” of the SAC.

166. Deny the allegations set forth in paragraph “166” of the SAC.

167. Deny the allegations set forth in paragraph “167” of the SAC.

168. Deny the allegations set forth in paragraph “168” of the SAC.

169. In response to the allegations set forth in paragraph “169” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

170. Deny the allegations set forth in paragraph “170” of the SAC.

171. Deny the allegations set forth in paragraph “171” of the SAC.

172. Deny the allegations set forth in paragraph “172” of the SAC.

173. Paragraph “173” of the SAC sets forth legal conclusions rather than averments of fact and therefore requires no response. To the extent a response is required, defendants deny that the City is liable.

174. In response to the allegations set forth in paragraph “174” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

175. Deny the allegations set forth in paragraph “175” of the SAC.

176. Deny the allegations set forth in paragraph “176” of the SAC.

177. Deny the allegations set forth in paragraph “177” of the SAC.

178. Deny the allegations set forth in paragraph “178” of the SAC.

179. Deny the allegations set forth in paragraph “179” of the SAC.

180. Deny the allegations set forth in paragraph “180” of the SAC.

181. Deny the allegations set forth in paragraph “181” of the SAC.

182. Deny the allegations set forth in paragraph “182” of the SAC.

183. Deny the allegations set forth in paragraph “183” of the SAC.

184. Deny the allegations set forth in paragraph “184” of the SAC.

185. Deny the allegations set forth in paragraph “185” of the SAC.

186. Deny the allegations set forth in paragraph “186” of the SAC.

187. Deny the allegations set forth in paragraph “187” of the SAC.

188. Deny the allegations set forth in paragraph “188” of the SAC.

189. Deny the allegations set forth in paragraph “189” of the SAC.

190. Deny the allegations set forth in paragraph “190” of the SAC.

191. Deny the allegations set forth in paragraph “191” of the SAC.

192. In response to the allegations set forth in paragraph “192” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

193. Deny the allegations set forth in paragraph “193” of the SAC.

194. Deny the allegations set forth in paragraph “194” of the SAC.

195. Deny the allegations set forth in paragraph “195” of the SAC.

196. Paragraph “196” of the SAC sets forth legal conclusions rather than averments of fact and therefore requires no response. To the extent a response is required, defendants deny that the City is liable.

197. In response to the allegations set forth in paragraph “197” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

198. Deny the allegations set forth in paragraph “198” of the SAC.

199. Deny the allegations set forth in paragraph “199” of the SAC.

200. Deny the allegations set forth in paragraph “200” of the SAC.

201. Deny the allegations set forth in paragraph “201” of the SAC.

202. Deny the allegations set forth in paragraph “202” of the SAC.

203. Deny the allegations set forth in paragraph “203” of the SAC.

204. Deny the allegations set forth in paragraph “204” of the SAC.

205. Deny the allegations set forth in paragraph “205” of the SAC.

206. Deny the allegations set forth in paragraph “206” of the SAC.

207. Deny the allegations set forth in paragraph “207” of the SAC.

208. Deny the allegations set forth in paragraph “208” of the SAC.

209. Deny the allegations set forth in paragraph “209” of the SAC.

210. Deny the allegations set forth in paragraph “210” of the SAC.

211. Deny the allegations set forth in paragraph “211” of the SAC.

212. Deny the allegations set forth in paragraph “212” of the SAC.

213. Deny the allegations set forth in paragraph “213” of the SAC.

214. Deny the allegations set forth in paragraph “214” of the SAC.

215. In response to the allegations set forth in paragraph “215” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

216. Deny the allegations set forth in paragraph “216” of the SAC.

217. Deny the allegations set forth in paragraph “217” of the SAC.

218. Deny the allegations set forth in paragraph “218” of the SAC.

219. Deny the allegations set forth in paragraph “219” of the SAC.

220. Deny the allegations set forth in paragraph “220” of the SAC.

221. Deny the allegations set forth in paragraph “221” of the SAC.

222. Deny the allegations set forth in paragraph “222” of the SAC.

223. Deny the allegations set forth in paragraph “223” of the SAC.

224. Deny the allegations set forth in paragraph “224” of the SAC.

225. Deny the allegations set forth in paragraph “225” of the SAC.

226. Deny the allegations set forth in paragraph “226” of the SAC.

227. Deny the allegations set forth in paragraph “227” of the SAC.

228. Deny the allegations set forth in paragraph “228” of the SAC.

229. Deny the allegations set forth in paragraph “229” of the SAC.

230. Deny the allegations set forth in paragraph “230” of the SAC.

231. In response to the allegations set forth in paragraph “231” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

232. Deny the allegations set forth in paragraph “232” of the SAC.

233. Deny the allegations set forth in paragraph “233” of the SAC.

234. Deny the allegations set forth in paragraph “234” of the SAC.

235. Deny the allegations set forth in paragraph “235” of the SAC.

236. Deny the allegations set forth in paragraph “236” of the SAC.

237. Deny the allegations set forth in paragraph “237” of the SAC.

238. Deny the allegations set forth in paragraph “238” of the SAC.

239. Deny the allegations set forth in paragraph “239” of the SAC.

240. Deny the allegations set forth in paragraph “240” of the SAC.

241. Deny the allegations set forth in paragraph “241” of the SAC.

242. Deny the allegations set forth in paragraph “242” of the SAC.

243. Deny the allegations set forth in paragraph “243” of the SAC.

244. Deny the allegations set forth in paragraph “244” of the SAC.

245. Deny the allegations set forth in paragraph “245” of the SAC.

246. Deny the allegations set forth in paragraph “246” of the SAC.

247. In response to the allegations set forth in paragraph “247” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

248. Deny the allegations set forth in paragraph “248” of the SAC.

249. Deny the allegations set forth in paragraph “249” of the SAC.

250. Deny the allegations set forth in paragraph “250” of the SAC.

251. Deny the allegations set forth in paragraph “251” of the SAC.

252. Deny the allegations set forth in paragraph “252” of the SAC.

253. Deny the allegations set forth in paragraph “253” of the SAC.

254. Deny the allegations set forth in paragraph “254” of the SAC.

255. Deny the allegations set forth in paragraph “255” of the SAC.

256. Deny the allegations set forth in paragraph “256” of the SAC.

257. Deny the allegations set forth in paragraph “257” of the SAC.

258. Deny the allegations set forth in paragraph “258” of the SAC.

259. Deny the allegations set forth in paragraph “259” of the SAC.

260. Deny the allegations set forth in paragraph “260” of the SAC.

261. Deny the allegations set forth in paragraph “261” of the SAC.

262. Deny the allegations set forth in paragraph “262” of the SAC.

263. In response to the allegations set forth in paragraph “263” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

264. Deny the allegations set forth in paragraph “264” of the SAC.

265. Deny the allegations set forth in paragraph “265” of the SAC.

266. Deny the allegations set forth in paragraph “266” of the SAC.

267. Deny the allegations set forth in paragraph “267” of the SAC.

268. Deny the allegations set forth in paragraph “268” of the SAC.

269. Deny the allegations set forth in paragraph “269” of the SAC.

270. Deny the allegations set forth in paragraph “270” of the SAC.

271. Deny the allegations set forth in paragraph “271” of the SAC.

272. Deny the allegations set forth in paragraph “272” of the SAC.

273. Deny the allegations set forth in paragraph “273” of the SAC.

274. Deny the allegations set forth in paragraph “274” of the SAC.

275. Deny the allegations set forth in paragraph “275” of the SAC.

276. Deny the allegations set forth in paragraph “276” of the SAC.

277. Deny the allegations set forth in paragraph “277” of the SAC.

278. Deny the allegations set forth in paragraph “278” of the SAC.

279. In response to the allegations set forth in paragraph “279” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth herein.

280. Deny the allegations set forth in paragraph “280” of the SAC.

281. Deny the allegations set forth in paragraph “281” of the SAC.

282. Deny the allegations set forth in paragraph “282” of the SAC.

283. Deny the allegations set forth in paragraph “283” of the SAC.

284. Deny the allegations set forth in paragraph “284” of the SAC.

285. Deny the allegations set forth in paragraph “285” of the SAC.

286. Deny the allegations set forth in paragraph “286” of the SAC.

287. Deny the allegations set forth in paragraph “287” of the SAC.

288. Deny the allegations set forth in paragraph “288” of the SAC.

289. Deny the allegations set forth in paragraph “289” of the SAC.

290. Deny the allegations set forth in paragraph “290” of the SAC.

291. Deny the allegations set forth in paragraph “291” of the SAC.

292. Deny the allegations set forth in paragraph “292” of the SAC.

293. Deny the allegations set forth in paragraph “293” of the SAC.

294. Deny the allegations set forth in paragraph “294” of the SAC.

295. Deny the allegations set forth in paragraph “295” of the SAC.¹

296. In response to the allegations set forth in paragraph “298” of the SAC, defendants repeat and reallege all of the responses contained within the preceding paragraphs of this answer, as if fully set forth.

297. Deny the allegations set forth in paragraph “299” of the SAC.

298. Deny the allegations set forth in paragraph “300” of the SAC.

299. Deny the allegations set forth in paragraph “301” of the SAC.

300. Deny the allegations set forth in paragraph “302” of the SAC, including its subparts.

301. Deny the allegations set forth in paragraph “303” of the SAC.

302. Deny the allegations set forth in paragraph “304” of the SAC.

303. Deny the allegations set forth in paragraph “305” of the SAC.

304. Deny the allegations set forth in paragraph “306” of the SAC.

305. Deny the allegations set forth in paragraph “307” of the SAC.

306. Deny the allegations set forth in paragraph “308” of the SAC.

307. Deny the allegations set forth in paragraph “309” of the SAC and respectfully refer the Court to the original source for a complete and accurate recitation of the content of the source material and the dicta referenced therein.

¹ The SAC omits paragraphs with paragraph numbers “295” and “296.”

308. Deny the allegations set forth in paragraph “310” of the SAC, including its subparts.

309. Deny the allegations set forth in paragraph “311” of the SAC.

310. Deny the allegations set forth in paragraph “312” of the SAC.

311. Deny the allegations set forth in paragraph “313” of the SAC.

312. Deny the allegations set forth in paragraph “314” of the SAC.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

1. The SAC fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

2. Defendants have not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

3. Plaintiff’s claims may be barred, in whole or in part, because plaintiff may have failed to comply with all conditions precedent to suit under state law.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

4. There was probable cause for plaintiff’s arrests, detentions and/or prosecutions.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

5. There was reasonable suspicion for any stops or searches of the plaintiff.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

6. Plaintiff failed to mitigate his alleged damages.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

7. At all times relevant to the acts alleged in the SAC, the duties and functions of the municipal defendant's officials entailed the reasonable exercise of proper and lawful discretion. Therefore, defendant City has governmental immunity from liability.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

8. Plaintiff cannot obtain punitive damages as against the City of New York.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

9. Plaintiff has failed to plead a municipal liability claim under Monell v. Dep't of Social Services, 436 U.S. 658 (1978).

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

10. To the extent any force was used, such force was reasonable, necessary and justified.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

11. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

12. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct or the intervening culpable and/or negligent conduct of others and was not the proximate result of any act of the defendants.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

13. Defendants NYPD Detective David Terrell and NYPD Officers Matthew Velger, Christine Mozdiak *nee* Barrientos, Bravo Zayas, and Christopher Britton have not violated any clearly established constitutional right of which a reasonable person would have known and are therefore entitled to qualified immunity.

WHEREFORE, defendants City of New York, NYPD Detective David Terrell, NYPD Officers Matthew Velger, Christine Mozdiak *nee* Barrientos, Bravo Zayas, and Christopher Britton request judgment dismissing the SAC in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.


Dated: New York, New York
August 22, 2018

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Rm. 3-140
New York, New York 10007
(212) 356-3524

By: 

Curt P. Beck, Esq.
Special Corporation Counsel

Exhibit A

 New York City Police Department Omniform System - Arrests	
RECORD CONTAINS SEALED INFORMATION. THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.	
RECORD STATUS: SEALED	Arrest ID: B14606385 - H
Arrest Location: FRONT OF 4660 3 AVENUE	Pct: 048
Arrest Date: 01-27-2014 Processing Type: ON LINE Current Location of Perpetrator: Time: 02:51:00 DCJS Fax Number: B0004438 Borough: Bronx Sector: A Special Event Code: NO - Type: Strip Search Conducted: NO DAT Number: 0 Location: 048 PRECINCT Viper Initiated Arrest: NO Stop And Frisk: NO Return Date: 0000-00-00 Serial #: 0000-000-00000	
COMPLAINTS:	Arrest #: B14606385
COMPLAINT NUMBER REPORT DATE RECORD STATUS OCCUR DATE OCCUR TIME 2014-048-00704 2014-01-27 Valid, No Arrests 2014-01-27 02:30	
SEALED	SEALED
CHARGES:	Arrest #: B14606385
CHARGE ATTEMPT? LAW CODE CLASS TYPE COUNTS DESCRIPTION TOP No PL 160.15 04 F B 1 ROBBERY-1ST:DISPLAYS FIREARM #02 No PL 160.10 01 F C 1 ROBBERY-2ND:AIDED BY ANOTHER	
DWI Arrest from:	# Injured: 00 # Fatalities: 00 Test Given: B.A.C: Reason Not Forfeited:
SEALED	SEALED
DETAILS:	Arrest #: B14606385
AT T/P/O C/V STATES DEFT ALONG WITH 5 APPREHENDED DEFENDANTS AND 1 UNAPPREHENDED DEFENDANT DID ACT IN CONCERT TO FORIBLY STEAL A PURPLE SAMSUNG GALAXY BY POINTING A BLACK FIREARM TO C/V'S STOMACH. POSITIVELY IDENTIFIED BY C/V DURING CANVASS.	
SEALED	SEALED
DEFENDANT: COTTO, ANGELO J	NYSID #: 12557756Y Arrest #: B14606385
Nick/AKA/Maiden: Sex: MALE Race: WHITE HISPANIC Age: 18 Date Of Birth: [REDACTED] U.S. Citizen: YES Place Of Birth: USA Is this person not Proficient In English?: NO If Yes, Indicate Language: Accent: NO	Height: 5FT 6IN Weight: 140 Eye Color: BROWN Hair Color: BROWN Hair Length: NORMAL Hair Style: STRAIGHT Skin Tone: LIGHT Complexion: CLEAR Soc.Security #: Occupation: NONE
Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Relation to Victim: STRANGER Living together: NO Can be Identified: YES Gang/Crew Affiliation: NO	

DEF1

ARREST Report - B14606385

Identification ID: Identification #: Physical Condition: APPARENTLY NORMAL Drug Used: NONE		Name: Identifiers: Lic/Permit Type: Lic/Permit No:	
<u>LOCATION</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE/CNTRY</u> <u>ZIP</u> <u>APT/ROOM</u> <u>PCT</u>
HOME-PERMANENT	625 JEFFERSON PLACE	BRONX NEW YORK	042
Phone # and E-Mail Address:			
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: NO On Duty: NO Development: N.Y.C. Transit Employee: NO			
Physical Force: NONE			
Gun: Weapon Used/Possessed: USED/DISPLAYED Non-Firearm Weapon: Other Weapon Description:		Make: Color: Caliber: Type: PISTOL, SEMIAUTOMATI Discharged: NO	
Recovered: NO Serial Number Defaced: Serial Number:			
Used Transit System: NO Station Entered: Time Entered: Metro Card Type: Metro Card Used/Poses: Card #:			
<u>CRIME DATA</u>		<u>DETAILS</u>	
MODUS OPERANDI		UNKNOWN	
ACTIONS TOWARD VICTIM		DISPLAY FIREARM	
CLOTHING		OUTERWEAR - SNORKEL, SKI, HOODED JACKET - BLACK	
CLOTHING		ACCESSORIES - SWEAT / JOGGING CLOTHES - BLUE	
CLOTHING		FOOTWEAR - SNEAKERS - BLUE	
CLOTHING		HEADGEAR - UNK - UNKNOWN COLOR	
CHARACTERISTICS		UNKNOWN	
BODY MARKS		-UNKNOWN	
BODY MARKS		-UNKNOWN	
IMPERSONATION		UNKNOWN	
SEALED		SEALED	
JUVENILE DATA:		Arrest #: B14606385	
Juvenile Offender: Relative Notified: M Personal Recog: Number Of Priors: 0 Name: ELIZABETH School Attending: Phone Called: [REDACTED] Mother's Maiden Name: Time Notified: [REDACTED]			
SEALED		SEALED	
ASSOCIATED ARRESTS:		Arrest #: B14606385	
<u>ARREST ID</u> <u>COMPLAINT #</u> B14606387 2014-048-00704 B14606388 2014-048-00704 B14606389 2014-048-00704 B14606390 2014-048-00704			

DEF2

ARREST Report - B14606385

B14606393 2014-048-00704			
B14631837 2014-048-00704			
SEALED		SEALED	
No Vehicles for Arrest #			
SEALED		SEALED	
DEFENDANTS CALLS:		Arrest #: B14606385	
CALL #	NUMBER DIALED	NAME - PROVIDED BY DEFENDANT	NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED
3		RODA, ELIZABETH	MOTHER
SEALED		SEALED	
INVOICES:		Arrest #: B14606385	
INVOICE# COMMAND PROPERTY TYPE VALUE			
SEALED		SEALED	
ARRESTING OFFICER: POM PIERLUIG CASTALDO		Arrest #: B14606385	
Tax Number: 948757 Other ID (non-NYPD): 948757 Shield: 8577 Department: NYPD Command: 048		On Duty: YES In Uniform: YES Squad: A3 Chart: 01 Primary Assignment:	
		Force Used: NO Type: Reason: Officer Injured: NO	
SEALED		SEALED	
Arresting Officer Name:	Tax #:	Command:	Agency:
POM CASTALDO, PIERLUIG	948757	048	NYPD
Supervisor Approving:	Tax #:	Command:	Agency:
SGT JARA CHRISTIA	941948	048	NYPD
Report Entered by:	Tax #:	Command:	Agency:
POM CASTALDO, PIER	948757	048	NYPD
END OF ARREST REPORT B14606385			

DEF3

Exhibit B

ARREST Report - B14615740

New York City Police Department OmniForm System - Arrests																						
RECORD CONTAINS SEALED INFORMATION. THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.																						
RECORD STATUS: SEALED	Arrest ID: B14615740 - H																					
Arrest Location: SOUTH WEST CORNER FRANKLIN AVENUE & EAST 169 STREET	Pct: 042																					
Arrest Date: 03-05-2014 Processing Type: ON LINE Current Location of Perpetrator: Time: 16:31:00 DCJS Fax Number: B0010767 Borough: Bronx Sector: C Special Event Code: NO - Type: Strip Search Conducted: NO DAT Number: 0 Location: 042 PRECINCT Viper Initiated Arrest: NO Stop And Frisk: NO Return Date: 0000-00-00 Serial #: 0000-000-00000																						
Arrest #: B14615740																						
COMPLAINTS:																						
<table border="1"> <thead> <tr> <th>COMPLAINT NUMBER</th> <th>REPORT DATE</th> <th>RECORD STATUS</th> <th>OCCUR DATE</th> <th>OCCUR TIME</th> </tr> </thead> <tbody> <tr> <td>2014-042-01537</td> <td>2014-03-05</td> <td>Valid, No Arrests</td> <td>2014-03-05</td> <td>15:50</td> </tr> </tbody> </table>		COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME	2014-042-01537	2014-03-05	Valid, No Arrests	2014-03-05	15:50											
COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME																		
2014-042-01537	2014-03-05	Valid, No Arrests	2014-03-05	15:50																		
SEALED	SEALED																					
Arrest #: B14615740																						
CHARGES:																						
<table border="1"> <thead> <tr> <th>CHARGE</th> <th>ATTEMPT?</th> <th>LAW CODE</th> <th>CLASS</th> <th>TYPE</th> <th>COUNTS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>TOP</td> <td>No</td> <td>PL 120.00</td> <td>01 M</td> <td>A</td> <td>1</td> <td>ASLT W/INT CAUSES PHYS INJURY</td> </tr> <tr> <td>#02</td> <td>No</td> <td>PL 221.05</td> <td>V</td> <td>0</td> <td>1</td> <td>UNLAWFUL POSSESSION MARIJUANA</td> </tr> </tbody> </table>		CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION	TOP	No	PL 120.00	01 M	A	1	ASLT W/INT CAUSES PHYS INJURY	#02	No	PL 221.05	V	0	1	UNLAWFUL POSSESSION MARIJUANA
CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION																
TOP	No	PL 120.00	01 M	A	1	ASLT W/INT CAUSES PHYS INJURY																
#02	No	PL 221.05	V	0	1	UNLAWFUL POSSESSION MARIJUANA																
DWI Arrest from:	# Injured: 00 # Fatalities: 00 Test Given: B.A.C.: Reason Not Forfeited:																					
SEALED	SEALED																					
Arrest #: B14615740																						
DETAILS:																						
AT T/P/O C/V STATES HE WAS COMING OUT OF SCHOOL ON HIS WAY HOME WHEN DEFT'S ALONG WITH FRIENDS ATTACKED C/V HITTING HIM WITH CLOSE FITS CAUSING A SWOLLEN EYE TO C/V. CANVASS WAS CONDUCTED C/V POINTED OUT THE DEFT STANDING INFRONT OF 625 JEFFERSON PLACE. SILA DEFENDANT HAD MARIJUANA AND BOX CUTTER IN HIS PERSON.																						
SEALED	SEALED																					
Arrest #: B14615740																						
DEFENDANT: COTTO, ANGELO																						
Nick/AKA/Maiden: Sex: MALE Race: WHITE HISPANIC Age: 16 Date Of Birth: U.S. Citizen: NO Place Of Birth: PUERTO RICO Is this person not Proficient in English?: NO If Yes, Indicate Language:	Height: 5FT 9IN Weight: 185 Eye Color: BROWN Hair Color: BROWN Hair Length: LONG Hair Style: PONY TAIL Skin Tone: LIGHT Complexion: CLEAR																					
Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Relation to Victim: FRIEND/ACQUAINTANCE Living together: NO Can be Identified: YES Gang/Crew Affiliation: NO																						
NYSID #: 12557756Y Arrest #: B14615740																						

DEF11

ARREST Report - B14615740

Accent: NO Identification ID: Birth certificate Identification #: D712191 Physical Condition: APPARENTLY NORMAL Drug Used: NONE	Soc.Security #: Occupation: NONE Lic/Permit Type: Lic/Permit No:	Name: Identifiers:																						
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align:left;">LOCATION</th> <th style="text-align:left;">ADDRESS</th> <th style="text-align:left;">CITY</th> <th style="text-align:left;">STATE/CNTRY</th> <th style="text-align:left;">ZIP</th> <th style="text-align:left;">APT/ROOM</th> <th style="text-align:left;">PCT</th> </tr> </thead> <tbody> <tr> <td>HOME-PERMANENT</td> <td>625 JEFFERSON PLACE</td> <td>BRONX</td> <td>NEW YORK</td> <td>10456</td> <td></td> <td>042</td> </tr> </tbody> </table>			LOCATION	ADDRESS	CITY	STATE/CNTRY	ZIP	APT/ROOM	PCT	HOME-PERMANENT	625 JEFFERSON PLACE	BRONX	NEW YORK	10456		042								
LOCATION	ADDRESS	CITY	STATE/CNTRY	ZIP	APT/ROOM	PCT																		
HOME-PERMANENT	625 JEFFERSON PLACE	BRONX	NEW YORK	10456		042																		
Phone # and E-Mail Address:																								
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: NO On Duty: NO Development: N.Y.C. Transit Employee: NO																								
Physical Force:USED																								
<table style="width:100%;"> <tr> <td style="width:40%;"> Gun: Weapon Used/Possessed: NONE Non-Firearm Weapon: Other Weapon Description: </td> <td style="width:20%;"> Make: Color: Caliber: Type: Discharged: NO </td> <td style="width:40%;"> Recovered: Serial Number Defaced: Serial Number: </td> </tr> </table>			Gun: Weapon Used/Possessed: NONE Non-Firearm Weapon: Other Weapon Description:	Make: Color: Caliber: Type: Discharged: NO	Recovered: Serial Number Defaced: Serial Number:																			
Gun: Weapon Used/Possessed: NONE Non-Firearm Weapon: Other Weapon Description:	Make: Color: Caliber: Type: Discharged: NO	Recovered: Serial Number Defaced: Serial Number:																						
Used Transit System: NO Station Entered: Time Entered: Metro Card Type: Metro Card Used/Poses: Card #:																								
<table style="width:100%;"> <thead> <tr> <th style="text-align:left;">CRIME DATA</th> <th style="text-align:left;">DETAILS</th> </tr> </thead> <tbody> <tr> <td>MODUS OPERANDI</td> <td>UNKNOWN</td> </tr> <tr> <td>ACTIONS TOWARD VICTIM</td> <td>UNK</td> </tr> <tr> <td>CLOTHING</td> <td>FOOTWEAR - SANDALS - RED</td> </tr> <tr> <td>CLOTHING</td> <td>ACCESSORIES - SWEAT / JOGGING CLOTHES - RED</td> </tr> <tr> <td>CLOTHING</td> <td>OUTERWEAR - T-SHIRT OR TANK TOP - RED</td> </tr> <tr> <td>CLOTHING</td> <td>HEADGEAR - UNK - UNKNOWN COLOR</td> </tr> <tr> <td>CHARACTERISTICS</td> <td>UNKNOWN</td> </tr> <tr> <td>BODY MARKS</td> <td>-UNKNOWN</td> </tr> <tr> <td>BODY MARKS</td> <td>ARM -TATTOO WITH PICTURE ONLY - DESCRIBE:CROSS</td> </tr> <tr> <td>IMPERSONATION</td> <td>UNKNOWN</td> </tr> </tbody> </table>			CRIME DATA	DETAILS	MODUS OPERANDI	UNKNOWN	ACTIONS TOWARD VICTIM	UNK	CLOTHING	FOOTWEAR - SANDALS - RED	CLOTHING	ACCESSORIES - SWEAT / JOGGING CLOTHES - RED	CLOTHING	OUTERWEAR - T-SHIRT OR TANK TOP - RED	CLOTHING	HEADGEAR - UNK - UNKNOWN COLOR	CHARACTERISTICS	UNKNOWN	BODY MARKS	-UNKNOWN	BODY MARKS	ARM -TATTOO WITH PICTURE ONLY - DESCRIBE:CROSS	IMPERSONATION	UNKNOWN
CRIME DATA	DETAILS																							
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ACTIONS TOWARD VICTIM	UNK																							
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CHARACTERISTICS	UNKNOWN																							
BODY MARKS	-UNKNOWN																							
BODY MARKS	ARM -TATTOO WITH PICTURE ONLY - DESCRIBE:CROSS																							
IMPERSONATION	UNKNOWN																							
SEaled		SEaled																						
JUVENILE DATA:		Arrest #: B14615740																						
<table style="width:100%;"> <tr> <td style="width:33%;"> Juvenile Offender: Number Of Priors: 0 School Attending: Mother's Maiden Name: </td> <td style="width:33%;"> Relative Notified: M Name: ELIZABETH Phone Called: [REDACTED] Time Notified: 1000 </td> <td style="width:33%;"> Personal Recog: </td> </tr> </table>			Juvenile Offender: Number Of Priors: 0 School Attending: Mother's Maiden Name:	Relative Notified: M Name: ELIZABETH Phone Called: [REDACTED] Time Notified: 1000	Personal Recog:																			
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SEaled		SEaled																						
ASSOCIATED ARRESTS:		Arrest #: B14615740																						
ARREST ID COMPLAINT #																								
SEaled		SEaled																						
No Vehicles for Arrest #																								

DEF12

ARREST Report - B14615740

SEAL		SEAL	
DEFENDANTS CALLS:		Arrest #: B14615740	
CALL # NUMBER DIALER NAME - PROVIDED BY DEFENDANT NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED			
[REDACTED] ROSADA, ELIZABETH		MOTHER	
SEAL		SEAL	
INVOICES:		Arrest #: B14615740	
INVOICE# COMMAND PROPERTY TYPE VALUE			
SEAL		SEAL	
ARRESTING OFFICER: POM BRAVO ZAYAS		Arrest #: B14615740	
Tax Number: 953601 On Duty: YES Other ID (non-NYPD): 953601 In Uniform: YES Shield: 17717 Squad: 1 Department: NYPD Chart: 97 Command: 042 Primary Assignment:		Force Used: NO Type: Reason: Officer Injured: NO	
SEAL		SEAL	
Arresting Officer Name: POM ZAYAS, BRAVO		Tax #: 953601	Command: 042
Supervisor Approving: SGT NAVARRETE JONA		Tax #: 944278	Command: 352
Report Entered by: POM ZAYAS, BRAVO		Tax #: 953601	Command: 042
		Agency: NYPD	Agency: NYPD
		Agency: NYPD	Agency: NYPD
END OF ARREST REPORT B14615740			

DEF13

Exhibit C

ARREST Report - B14646926

New York City Police Department																													
OmniForm System - Arrests																													
<p>RECORD CONTAINS SEALED INFORMATION.</p> <p>THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.</p>																													
RECORD STATUS: SEALED	Arrest ID: B14646926 - H																												
Arrest Location: NORTH WEST CORNER FULTON AVENUE & EAST 170 STREET	Pct: 042																												
<p>Arrest Date: 07-03-2014 Processing Type: ON LINE Current Location of Perpetrator:</p> <p>Time: 19:22:00 DCJS Fax Number: BO032060 Borough: Bronx</p> <p>Sector: B Special Event Code: NO - Type:</p> <p>Strip Search Conducted: NO DAT Number: 0 Locallon: 042 PRECINCT</p> <p>Viper Initiated Arrest: NO</p> <p>Stop And Frisk: NO Return Date: 0000-00-00</p> <p>Serial #: 0000-000-00000</p>																													
Arrest #: B14646926																													
COMPLAINTS:																													
<table border="1"> <thead> <tr> <th>COMPLAINT NUMBER</th> <th>REPORT DATE</th> <th>RECORD STATUS</th> <th>OCCUR DATE</th> <th>OCCUR TIME</th> </tr> </thead> <tbody> <tr> <td>2014-042-04681</td> <td>2014-07-03</td> <td>Valid, No Arrests</td> <td>2014-07-03</td> <td>18:45</td> </tr> </tbody> </table>		COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME	2014-042-04681	2014-07-03	Valid, No Arrests	2014-07-03	18:45																		
COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME																									
2014-042-04681	2014-07-03	Valid, No Arrests	2014-07-03	18:45																									
SEALED	SEALED																												
Arrest #: B14646926																													
CHARGES:																													
<table border="1"> <thead> <tr> <th>CHARGE</th> <th>ATTEMPT?</th> <th>LAW CODE</th> <th>CLASS</th> <th>TYPE</th> <th>COUNTS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>TOP</td> <td>No</td> <td>PL 265.02 01 F</td> <td>D</td> <td></td> <td>1</td> <td>CRIM POSS WEAP-3RD:PREV CONV</td> </tr> <tr> <td>#02</td> <td>No</td> <td>PL 240.05 M</td> <td>A</td> <td></td> <td>1</td> <td>RIOT-2ND</td> </tr> <tr> <td>#03</td> <td>No</td> <td>PL 240.20 01 V</td> <td>0</td> <td></td> <td>1</td> <td>DIS/CON:FIGHT/VIOLENT BEHAVIOR</td> </tr> </tbody> </table>		CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION	TOP	No	PL 265.02 01 F	D		1	CRIM POSS WEAP-3RD:PREV CONV	#02	No	PL 240.05 M	A		1	RIOT-2ND	#03	No	PL 240.20 01 V	0		1	DIS/CON:FIGHT/VIOLENT BEHAVIOR
CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION																							
TOP	No	PL 265.02 01 F	D		1	CRIM POSS WEAP-3RD:PREV CONV																							
#02	No	PL 240.05 M	A		1	RIOT-2ND																							
#03	No	PL 240.20 01 V	0		1	DIS/CON:FIGHT/VIOLENT BEHAVIOR																							
DWI Arrest from:	# Injured: 00 # Fatalities: 00 Test Given: B.A.C: Reason Not Forfeited:																												
SEALED	SEALED																												
Arrest #: B14646926																													
DETAILS:																													
AT T/P/O WAS OBSERVED ALONG WITH OTHER UNIDENTIFIED MALES AT LOCATION FIGHTING WITH ANOTHER RIVAL GROUP OF APPROXIMATELY 40 TO 50 PEOPLE. GROUP WAS OBSERVED RUNNING WITH BATS AND STICKS AND A GUN. DEFT. ADMITTED TO HAVING A BB GUN AND HANDING IT TO OTHER PERP ARRESTED WITH DEFT..																													
SEALED	SEALED																												
Arrest #: B14646926																													
DEFENDANT: COTTO, ANGELO																													
Nick/AKA/Maiden: Sex: MALE Race: WHITE HISPANIC Age: 16 Date Of Birth: U.S. Citizen: NO Place Of Birth: PUERTO RICO Is this person not Proficient in English?: NO	Height: 5FT 7IN Weight: 150 Eye Color: BLUE Hair Color: BLACK Hair Length: LONG Hair Style: AFRO Skin Tone: MEDIUM Complexion: TAN																												
Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Relation to Victim: UNKNOWN/NONE Living together: NO Can be Identified: NO																													

DEF19

ARREST Report - B14646926

If Yes, Indicate Language:		Gang/Crew Affiliation: NO	
Accent: NO		Name:	
Soc. Security #:		Identifiers:	
Occupation: UNKNOWN			
Identification ID:			
Identification #:			
Physical Condition: APPARENTLY NORMAL		Lic/Permit Type:	
Drug Used: NONE		Lic/Permit No:	
<u>LOCATION</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE/CNTRY</u> <u>ZIP</u> <u>APT/ROOM</u> <u>PCT</u>
HOME-PERMANENT	625 JEFFERSON PLACE	BRONX	NEW YORK 4N 042
Phone # and E-Mail Address:			
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: On Duty:			
Development: N.Y.C. Transit Employee:			
Physical Force: NONE			
Gun: OTHER FIREARM		Recovered: NO	
Weapon Used/Possessed: POSSESSED		Make:	
Non-Firearm Weapon:		Color: Serial Number Defaced:	
Other Weapon Description:		Caliber: Serial Number:	
		Type:	
		Discharged: NO	
Used Transit System: NO			
Station Entered:			
Time Entered:			
Metro Card Type:			
Metro Card Used/Poses:			
Card #:			
<u>CRIME DATA</u>	<u>DETAILS</u>		
STATEMENTS MADE	UNKNOWN		
MODUS OPERANDI	FIGHTING WITH GROUP		
ACTIONS TOWARD VICTIM	FIGHTING WITH GROUP		
CLOTHING	FOOTWEAR - SANDALS - BLUE		
CLOTHING	ACCESSORIES - SWEAT / JOGGING CLOTHES - RED		
CLOTHING	OUTERWEAR - T-SHIRT OR TANK TOP - BLACK		
CLOTHING	HEADGEAR - UNK - UNKNOWN COLOR		
CHARACTERISTICS	UNKNOWN		
BODY MARKS	ARM -TATTOO WITH PICTURE ONLY - DESCRIBE: CROSS WITH WINGS		
BODY MARKS	ARM -TATTOO WITH WORDS ONLY - DESCRIBE: LOYALTY		
IMPERSONATION	UNKNOWN		
SEALED		SEALED	
JUVENILE DATA:		Arrest #: B14646926	
Juvenile Offender: NO Relative Notified: M		Personal Recog: N	
Number Of Priors: 0		Name: ELIZABETH ROSADA	
School Attending:		Phone Called: [REDACTED]	
Mother's Maiden Name:		Time Notified: 2030	
SEALED		SEALED	
ASSOCIATED ARRESTS:		Arrest #: B14646926	
ARREST ID COMPLAINT #			
B14646921 2014-042-04681			

DEF20

ARREST Report - B14646926

SEALED		SEALED	
No Vehicles for Arrest #		SEALED	
SEALED		Arrest #: B14646926	
DEFENDANTS CALLS:			
CALL NUMBER DIALLED NAME - PROVIDED BY DEFENDANT NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED			
[REDACTED]		MOTHER	
RODA, ELIZABETH		SEALED	
SEALED		Arrest #: B14646926	
INVOICES:			
INVOICE# COMMAND PROPERTY TYPE VALUE			
SEALED		SEALED	
SEALED		Arrest #: B14646926	
ARRESTING OFFICER: POM CHRISTOP BRITTON			
Tax Number: 952496		On Duty: YES	
Other ID (non-NYPD): 952496		In Uniform: YES	
Shield: 229		Squad: C3	
Department: NYPD		Chart: 05	
Command: 042		Primary Assignment:	
		Force Used: NO	
		Type:	
		Reason:	
		Officer Injured: NO	
SEALED		SEALED	
Arresting Officer Name:		Tax #:	Command:
POM BRITTON, CHRISTOP		952496	042
Supervisor Approving:		Tax #:	Command:
SGT PARK YISHIN		939179	042
Report Entered by:		Tax #:	Command:
POM BRITTON, CHRIS		952496	042
		Agency:	NYPD
		Agency:	NYPD
		Agency:	NYPD
END OF ARREST REPORT			
B14646926			

DEF21

Exhibit D

ARREST Report - B15664219

New York City Police Department															
OmniForm System - Arrests															
<p>RECORD CONTAINS SEALED INFORMATION. THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.</p>															
RECORD STATUS: SEALED	Arrest ID: B15664219 - L														
Arrest Location: INSIDE OF 625 JEFFERSON PLACE APT: 4B	Pct: 042														
<p>Arrest Date: 10-19-2015 Processing Type: ON LINE Current Location of Perpetrator:</p> <p>Time: 17:06:00 DCJS Fax Number: B0044301 Borough: Bronx</p> <p>Sector: C Special Event Code: NO - Type:</p> <p>Strip Search Conducted: NO DAT Number: 0 Location: 042 PRECINCT</p> <p>Viper Initiated Arrest: NO</p> <p>Stop And Frisk: NO Return Date: 0000-00-00</p> <p>Serial #: 0000-000-00000</p>															
Arrest #: B15664219															
COMPLAINTS:															
<table border="1"> <thead> <tr> <th>COMPLAINT NUMBER</th> <th>REPORT DATE</th> <th>RECORD STATUS</th> <th>OCCUR DATE</th> <th>OCCUR TIME</th> </tr> </thead> <tbody> <tr> <td>2015-042-07463</td> <td>2015-10-19</td> <td>Valid, Initial Arrests made</td> <td>2015-10-19</td> <td>16:45</td> </tr> </tbody> </table>		COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME	2015-042-07463	2015-10-19	Valid, Initial Arrests made	2015-10-19	16:45				
COMPLAINT NUMBER	REPORT DATE	RECORD STATUS	OCCUR DATE	OCCUR TIME											
2015-042-07463	2015-10-19	Valid, Initial Arrests made	2015-10-19	16:45											
SEALED	SEALED														
CHARGES:															
<table border="1"> <thead> <tr> <th>CHARGE</th> <th>ATTEMPT?</th> <th>LAW CODE</th> <th>CLASS</th> <th>TYPE</th> <th>COUNTS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>TOP</td> <td>No</td> <td>PL 120.00</td> <td>01</td> <td>M</td> <td>A</td> <td>1 ASLT W/INT CAUSES PHYS INJURY</td> </tr> </tbody> </table>		CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION	TOP	No	PL 120.00	01	M	A	1 ASLT W/INT CAUSES PHYS INJURY
CHARGE	ATTEMPT?	LAW CODE	CLASS	TYPE	COUNTS	DESCRIPTION									
TOP	No	PL 120.00	01	M	A	1 ASLT W/INT CAUSES PHYS INJURY									
DWI Arrest from:	# Injured: 00	# Fatalities: 00	Test Given:	B.A.C:	Reason Not Forfeited:										
SEALED	SEALED														
DETAILS:															
<p>AT T/P/O C/V STATES THAT KNOWN PERP DID STRIKE HIM WITH A CLOSED FIST CAUSING A VISIBLE PHYSICAL INJURY. C/V ALSO STATES THAT P2 DID THREATEN TO STAB HIM WHILE WIELDING A KNIFE BLADE. C/V STATES THAT SOCIAL NETWORKING IS UNKNOWN, DOES NOT DRIVE, DOES NOT WORK, AND FREQUENTS THE AREA OF 625 JEFFERSON PLACE. NECESSARY FORCE USED TO AFFECT ARREST. ONLY ONE POINT OF CONTACT WAS PROVIDED. DEFENDANT REFUSED PHONE CALLS.</p>															
SEALED	SEALED														
DEFENDANT: COTTO, ANGELO															
<table border="1"> <tbody> <tr> <td>NYSID #: 12557756Y</td> <td>Arrest #: B15664219</td> </tr> <tr> <td>Order Of Protection: NO</td> <td>Issuing Court:</td> </tr> <tr> <td>Docket #:</td> <td>Expiration Date:</td> </tr> <tr> <td>Relation to Victim: BROTHER</td> <td>Living together: YES</td> </tr> <tr> <td>Can be Identified: YES</td> <td>Gang/Crew Affiliation: NO</td> </tr> </tbody> </table>		NYSID #: 12557756Y	Arrest #: B15664219	Order Of Protection: NO	Issuing Court:	Docket #:	Expiration Date:	Relation to Victim: BROTHER	Living together: YES	Can be Identified: YES	Gang/Crew Affiliation: NO				
NYSID #: 12557756Y	Arrest #: B15664219														
Order Of Protection: NO	Issuing Court:														
Docket #:	Expiration Date:														
Relation to Victim: BROTHER	Living together: YES														
Can be Identified: YES	Gang/Crew Affiliation: NO														
<p>Nick/AKA/Maiden:</p> <p>Sex: MALE Height: 5FT 10IN</p> <p>Race: WHITE Weight: 180</p> <p>Age: 18 Eye Color: BROWN</p> <p>Date Of Birth: [REDACTED] Hair Color: BLACK</p> <p>U.S. Citizen: YES Hair Length: LONG</p> <p>Place Of Birth: NEW YORK Hair Style: DREAD LOCKS</p> <p>Is this person not Proficient In English?: NO Skin Tone: LIGHT</p> <p>Complexion: BLOTCHY</p>															

DEF28

ARREST Report - B15664219

Page 2 of 3

If Yes, Indicate Language: Accent: NO		Soc.Security #: Occupation: UNKNOWN		Name: Identifiers:	
Identification ID: Identification #:		Lic/Permit Type: Lic/Permit No:			
Physical Condition: INJ-R.M.A.		Drug Used: NONE			
<u>LOCATION</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE/CNTRY</u>	<u>ZIP</u>	<u>APT/ROOM PCT</u>
HOME-PERMANENT	625 JEFFERSON PLACE	BRONX	NEW YORK	10456 4B	042
Phone # and E-Mail Address:					
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: NO On Duty: NO Development: N.Y.C. Transit Employee: NO					
Physical Force: NONE					
Gun: Weapon Used/Possessed: POSSESSED Non-Firearm Weapon: CUTTING INSTRUMENT Other Weapon Description:					
Make: Color: Caliber: Type: Recovered: NO Serial Number Defaced: Serial Number: Discharged: NO					
Used Transit System: NO Station Entered: Time Entered: Metro Card Type: Metro Card Used/Poses: Card #:					
<u>CRIME DATA</u>		<u>DETAILS</u>			
MODUS OPERANDI		UNKNOWN			
ACTIONS TOWARD VICTIM		UNK			
CLOTHING		ACCESSORIES - SWEAT / JOGGING CLOTHES - GRAY			
CLOTHING		FOOTWEAR - SNEAKERS - BLACK			
CLOTHING		OUTERWEAR - T-SHIRT OR TANK TOP - BLACK			
CLOTHING		HEADGEAR - UNK - UNKNOWN COLOR			
CHARACTERISTICS		UNKNOWN			
BODY MARKS		-UNKNOWN			
BODY MARKS		-UNKNOWN			
IMPERSONATION		UNKNOWN			
SEALED			SEALED		
<u>JUVENILE DATA:</u>					Arrest #: B15664219
Juvenile Offender:		Relative Notified: M		Personal Recog:	
Number Of Priors: 0		Name: ROSADO, ELIZABETH			
School Attending: N/A		Phone Call: [REDACTED]			
Mother's Maiden Name:		Time Notified: 1706			
SEALED			SEALED		
<u>ASSOCIATED ARRESTS:</u>					Arrest #: B15664219
<u>ARREST ID COMPLAINT #</u>					
SEALED			SEALED		
No Vehicles for Arrest #					

DEF29

ARREST Report - B15664219

SEALED		SEALED	
DEFENDANTS CALLS:		Arrest #: B15664219	
CALL # NUMBER DIALED NAME - PROVIDED BY DEFENDANT NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED			
1	--	REFUSED, REFUSED	
SEALED		SEALED	
INVOICES:		Arrest #: B15664219	
INVOICE# COMMAND PROPERTY TYPE VALUE			
SEALED		SEALED	
ARRESTING OFFICER: POM MATTHEW VELGER		Arrest #: B15664219	
Tax Number: 951385 Other ID (non-NYPD): 951385 Shield: 10295 Department: NYPD Command: 042		On Duty: YES In Uniform: YES Squad: C1 Chart: 97 Primary Assignment:	
		Force Used: NO Type: Reason: Officer Injured: NO	
SEALED		SEALED	
Arresting Officer Name: POM VELGER, MATTHEW		Tax #: 951385	Command: 042
Supervisor Approving: SGT ZINSTEIN ELLIO		Tax #: 947534	Command: 042
Report Entered by: POM VELGER, MATTHEW		Tax #: 951385	Command: 042
		Agency: NYPD	Agency: NYPD
		Agency: NYPD	Agency: NYPD
END OF ARREST REPORT B15664219			

DEF30

Exhibit E

ARREST Report - B15674851

New York City Police Department	
OmniForm System - Arrests	
<p>RECORD CONTAINS SEALED INFORMATION. THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.</p>	
Arrest ID: B15674851 - Z	
RECORD STATUS: SEALED	
Arrest Location: FRONT OF 625 JEFFERSON PLACE	Pct: 042
Arrest Date: 12-10-2015	Processing Type: ON LINE
Time: 23:15:00	Current Location of Perpetrator:
Sector: C	DCJS Fax Number: B0051869
Strip Search Conducted: NO	Borough: Bronx
Viper Initiated Arrest: NO	Type:
Stop And Frisk: YES	Location: POLICE SERVICE AREA 7
Serial #: 2015-042-00356	Return Date: 0000-00-00
Arrest #: B15674851	
COMPLAINTS:	
COMPLAINT NUMBER	REPORT DATE
2015-042-08902	2016-12-11
Valid, Initial Arrests made	2016-12-10
23:10	
SEALED	
Arrest #: B15674851	
CHARGES:	
CHARGE	ATTEMPT?
TOP	No
#02	No
LAW CODE	CLASS
PL 265.02 01 F	D
PL 221.05 V	0
DESCRIPTION	COUNTS
1 CRIM POSS WEAP-3RD:PREV CONV	
1 UNLAWFUL POSSESSION MARIJUANA	
DWI Arrest from:	# Injured:
00	00
# Fatalities:	Test Given:
00	
B.A.C:	Reason Not Forfeited:
SEALED	
Arrest #: B15674851	
DETAILS:	
AT TI/O DEFT WAS IN POSSESSION OF GRAVITY KNIFE AND ZIPLOCK BAG OF MARIJUANA.	
SEALED	
DEFENDANT: COTTO, ANGELO	NYSID #: 12557756Y
Nick/AKA/Maiden:	Arrest #: B15674851
Sex: MALE	Order Of Protection: NO
Race: WHITE	Issuing Court:
HISPANIC	Docket #:
Age: 18	Expiration Date:
Date Of Birth: [REDACTED]	Relation to Victim: UNKNOWN/NONE
U.S. Citizen: YES	Living together: NO
Place Of Birth: UNKNOWN	Can be Identified: NO
Is this person not Proficient in English?: NO	Gang/Crew Affiliation: YES
If Yes, Indicate Language:	Name: HILLTOP
Accent: NO	Identifiers:
Height: 5FT 10IN	
Weight: 160	
Eye Color: BROWN	
Hair Color: BLACK	
Hair Length: LONG	
Hair Style: CURLY/WAVY	
Skin Tone: MEDIUM	
Complexion: CLEAR	
Soc. Security #:	
Occupation: NONE	
Identification ID: Other	

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ARREST Report - B15674851

Page 2 of 3

Identification #: 208195859		Lic/Permit Type:	
Physical Condition: APPARENTLY NORMAL		Lic/Permit No:	
Drug Used: NONE			
<u>LOCATION</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE/CNTRY</u> <u>ZIP</u> <u>APT/ROOM</u> <u>PCT</u>
HOME-PERMANENT	625 JEFFERSON PLACE	BRONX NEW YORK	042
Phone # and E-Mail Address:			
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: On Duty:			
Development: N.Y.C. Transit Employee.			
Physical Force: NONE			
Gun:			
Weapon Used/Possessed: POSSESSED		Make:	Recovered: NO
Non-Firearm Weapon: CUTTING INSTRUMENT		Color:	Serial Number Defaced:
Other Weapon Description:		Caliber:	Serial Number:
		Type:	
		Discharged: NO	
Used Transit System: NO			
Station Entered:			
Time Entered:			
Metro Card Type:			
Metro Card Used/Poses:			
Card #:			
<u>CRIME DATA</u>	<u>DETAILS</u>		
MODUS OPERANDI	UNKNOWN		
ACTIONS TOWARD VICTIM	UNK		
CLOTHING	OUTERWEAR - SWEAT SHIRT OR JOGGING JACKET - BLACK		
CLOTHING	ACCESSORIES - JEANS - BLUE		
CLOTHING	FOOTWEAR - SNEAKERS - MULTI COLORED OR STR		
CLOTHING	HEADGEAR - UNK - UNKNOWN COLOR		
CHARACTERISTICS	UNKNOWN		
BODY MARKS	-UNKNOWN		
BODY MARKS	-UNKNOWN		
IMPERSONATION	UNKNOWN		
SEALED		SEALED	
JUVENILE DATA:		Arrest #: B15674851	
Juvenile Offender:	Relative Notified: M	Personal Recog:	
Number Of Priors: 0	Name: ELIZABETH		
School Attending:	Phone Called:		
Mother's Maiden Name:	Time Notified: 0000		
SEALED		SEALED	
ASSOCIATED ARRESTS:		Arrest #: B15674851	
ARREST ID COMPLAINT #			
SEALED		SEALED	
No Vehicles for Arrest #			
SEALED		SEALED	
DEFENDANTS CALLS:		Arrest #: B15674851	

DEF38

ARREST Report - B15674851

Page 3 of 3

CALL # NUMBER DIALED NAME - PROVIDED BY DEFENDANT NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED			
1 -- REFUSED, REFUSED			
SEALED		SEALED	
INVOICES:			Arrest #: B15674851
INVOICE#	COMMAND	PROPERTY TYPE	VALUE
2000494669 807		MARIJUANA/HASHISH	UNKNOWN
2000494670 807		OTHER WEAPONS	UNKNOWN
SEALED		SEALED	
ARRESTING OFFICER: POF CHRISTIN BARRIENTOS			Arrest #: B15674851
Tax Number: 950051 On Duty: YES Other ID (non-NYPD): 950051 In Uniform: NO Shield: 29238 Squad: CT Department: NYPO Chart: 99 Command: 807 Primary Assignment:			Force Used: NO Type: Reason: Officer Injured: NO
SEALED		SEALED	
Arresting Officer Name: POF BARRIENTOS, CHRISTIN	Tax #: 950051	Command: 807	Agency: NYPD
Supervisor Approving: SGT CONTRERAS RAYM	Tax #: 929933	Command: 807	Agency: NYCHA
Report Entered by: POF BARRIENTOS, CH	Tax #: 950051	Command: 807	Agency: NYPD
END OF ARREST REPORT B15674851			

DEF39